



Report
Staff Report
The Corporation of the City of Brampton
10/2/2024

Date: 2024-09-18

Subject: **Transfer of Provincial Offences Act Part III and Part IX Matters**

Contact: **Colleen Grant**, Deputy City Solicitor, Legal Services

Report number: Legislative Services-2024-771

RECOMMENDATIONS:

1. **THAT** the report from Colleen Grant, Deputy City Solicitor, Legal Services, to the Committee of Council Meeting of October 2, 2024 titled “**Transfer of Provincial Offences Act Part III and Part IX Matters**” be received;
2. **THAT** the City Solicitor and their designate be authorized to execute this, and all future Amending Agreements between The Corporation of the City of Brampton and His Majesty The King in Right of the Province of Ontario as represented by the Attorney General, extending the Interim Transfer Agreement dated December 2022, in a form satisfactory to Legal Services, for the prosecution of offences commenced under Parts III and IX of the *Provincial Offences Act* to the City of Brampton.

OVERVIEW:

- **In 1999, the Ministry of Attorney General transferred to the City of Brampton the court administration functions for Parts I, II and III of the *Provincial Offences Act (POA)*, and prosecution functions for charges under Parts I and II of the POA.**
- **In 2017 further amendments to the POA were enacted to allow for the transfer of police-laid charges under Part III and Part IX of the POA to municipalities.**
- **On August 10, 2022, Council passed Resolution CW339-2022 which directed staff to negotiate with the Ministry of Attorney General with respect to the transfer of Part III and Part IX Offences currently being prosecuted by the Ministry of Attorney General to the City of Brampton and report back to Council for final approval.**

- Pursuant to Resolution CW388-2022, the Mayor and Clerk executed the initial Interim Transfer Agreement in December, 2022 which commenced on January 9, 2023 and ends in January, 2025.
- The Ministry of Attorney General has requested from all municipalities that have entered into Interim Transfer Agreements that they be extended for another two years.
- Staff recommends that the City Solicitor and their designate be authorized to execute all future amending agreements extending the Interim Transfer Agreement pending the province-wide transfer.

BACKGROUND:

In 1997, the *Provincial Offences Act* (POA) was amended by the *Streamlining of Administration of Provincial Offences Act, 1997* (Bill 108) to permit the Attorney General and municipalities to enter into agreements authorizing the municipalities to conduct court administration and court support functions under the POA and conduct prosecutions of matters commenced under Part I (certificates of offence) and Part II (parking infractions) of the POA.

In 1998-1999 Council executed a Memorandum of Understanding and Local Side Agreement with Her Majesty the Queen in Right of Ontario, as represented by the Ministry of Attorney General, along with Intermunicipal Agreements with the City of Mississauga, Region of Peel and Town of Caledon to support the transfer of these functions.

Since that time, the City has provided court administration and court support functions for proceedings commenced under Parts I, II and III of the *Provincial Offences Act* that were previously carried out by the Attorney General. In addition, the City has provided the prosecution functions for all Part I matters previously prosecuted by the Attorney General, in addition to the charges already prosecuted by the City for by-laws and various provincial statutes.

In 2017, the *Stronger, Fairer Ontario Act (Budget Measures), 2017* further amended the POA to permit police-laid Part III (more serious charges such as driving under suspension or careless driving causing death) and Part IX matters (hearings such as those under the *Dog Owners' Liability Act*) to be transferred to municipalities.

Provincial and municipal election-cycles and the pandemic impacted the readiness levels across municipalities to proceed with a province-wide transfer. In response, the Ministry of the Attorney General offered individual municipalities that wished to proceed with the transfer of prosecution of POA III/IX offences to do so by way of an Interim Transfer Agreement for an initial 2-year period.

CURRENT SITUATION:

In December 2022 the City entered into an Interim Transfer Agreement for a two year term from January 9, 2023, to January 8, 2025. The Ministry of Attorney General has provided an amending agreement to extend the term for another two years, which Staff recommends the City sign. The Interim Transfer Agreements will continue in mutually agreeable 2-year terms until such time as the permanent, province-wide transfer is achieved.

With the support of the Brampton Crown Attorney's office, the Prosecutions Unit has been prosecuting various matters transferred from the Brampton Crown's office including Dog Owners' Liability Act matters, matters involving fatalities and other serious offences with no concerns.

CORPORATE IMPLICATIONS:Financial Implications

There are no financial implications as the processing of all charges, including those currently being prosecuted by all provincial ministries and other enforcement groups within Brampton, have been handled by the City's courts administration since the original transfer in 1999.

STRATEGIC FOCUS AREA:**CONCLUSION:**

The signing of the agreement extending the Interim Transfer Agreement will enable improved management and usage of judicial and court resources.

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